

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Board of Patent Appeals and Interferences

Atty Dkt. GRT/4865-38

C# M#

Confirmation No. 1799

T.C./A.U.: 1611

Examiner: C.E. Rae

Date: January 26, 2009

In re Patent Application of

BATTISTINI et al

Serial No. 10/812,308

Filed: March 30, 2004

Title: USE OF (3-(2-ETHYLPHENYL)-5-METHOXYPHENYL)-1H-[1,2,4]-TRIAZOLE FOR
THE TREATMENT OF AUTOIMMUNE DISEASES

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450



AF
1/20
acc.

Sir:

☐ Correspondence Address Indication Form Attached.

☒ **NOTICE OF APPEAL**

Applicant hereby **appeals** to the Board of Patent Appeals and Interferences

from the last decision of the Examiner twice/finally rejecting
applicant's claim(s).

\$540.00 (1401)/\$270.00 (2401) \$ 540.00

☐ An appeal **BRIEF** is attached in the pending appeal of the
above-identified application

\$540.00 (1402)/\$270.00 (2402) \$

☒ Credit for fees paid in prior appeal without decision on merits (paid December 6, 2007)

-\$ (510.00)

☐ A reply brief is attached.

(no fee)

☐ Pre-Appeal Brief Request for Review form attached.

☐ Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s)

One Month Extension \$130.00 (1251)/\$65.00 (2251)

Two Month Extensions \$490.00 (1252)/\$245.00 (2252)

Three Month Extensions \$1110.00 (1253)/\$555.00 (2253)

Four Month Extensions \$1730.00 (1254)/\$865.00 (2254) \$

☐ "Small entity" statement attached.

Less month extension previously paid on

-\$ ()

TOTAL FEE ENCLOSED \$ 30.00

☐ **CREDIT CARD PAYMENT FORM ATTACHED.**

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**.

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GRT:ap

NIXON & VANDERHYE P.C.

By Atty: Gary R. Tanigawa, Reg. No. 43,180

Signature: _____

Adjustment date 01/27/2009 SSANDARA 00000002 10812308
12/07/2007 ADD01 00000004 10812308
01 FC:1401 -510.00 OP

01/27/2009 SSANDARA 00000002 10812308

01 FC:1401

540.00 OP